

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

February 1, 2002

IN RE:

SHOW CAUSE PROCEEDING AGAINST  
TALK.COM d/b/a TALK AMERICA, INC.

)  
)  
)  
)  
)

DOCKET NO.  
01-00216

---

ORDER GRANTING PETITION TO INTERVENE FILED BY  
THE CONSUMER ADVOCATE AND PROTECTION DIVISION

---

This matter came before the Pre-Hearing Officer as a result of the filing in this docket of a *Petition to Intervene* by the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate").

On January 23, 2002, the Consumer Advocate filed its *Petition to Intervene* pursuant to Tenn. Code Ann. § 65-4-118(c)(2)(A) and the Uniform Administrative Procedures Act. The *Petition to Intervene* alleges that it was filed on behalf of the public interest because a large number of consumers have been negatively affected by the actions of Talk America, Inc. and may be further affected by actions taken in this docket.

No response or objection to the *Petition to Intervene* has been filed.

Tenn. Code Ann. § 4-5-310 sets forth the following criteria for granting a petition for intervention:

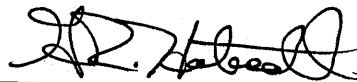
- (a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:
  - (1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;

- (2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and
- (3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

Upon review of this *Petition to Intervene*, the Pre-Hearing Officer determines that such Petition complies with the requirements of Tenn. Code Ann. § 4-5-310. The Pre-Hearing Officer further finds that the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing this intervention. Pursuant to Tenn. Code Ann. § 4-5-310 and 65-4-118 (c)(2)(A), the *Petition to Intervene* filed by the Consumer Advocate is hereby granted.

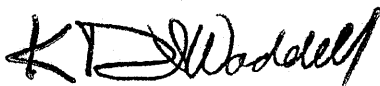
**IT IS THEREFORE ORDERED:**

1. The Consumer Advocate and Protection Division of the Office of the Attorney General is hereby granted leave to intervene, participate fully in all proceedings relative to this matter, and receive copies of any notices, orders or other documents herein;
2. Any party aggrieved by the decision of the Pre-Hearing Officer in this matter may file a Petition for Appeal with the Tennessee Regulatory Authority within fifteen (15) days of the date of this Order.



Gary R. Hotvedt  
Pre-Hearing Officer

ATTEST:



K. David Waddell, Executive Secretary

Entered: 2-1-02